

**Natural Resources Defense Council • Izaak Walton League of America • Clean Water Action •
Southern Environmental Law Center • National Wildlife Federation • Sierra Club •
Environment America • League of Conservation Voters**

October 28, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

OFFICE OF THE
EXECUTIVE SECRETARIAT

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Dear Administrator McCarthy:

On behalf of the undersigned organizations, we write to urge you to continue moving forward with the critical rulemaking effort you have underway to restore legal protections for many of our nation's most important waterways. As you know, wetlands and headwater streams provide multiple benefits: they filter pollution, serve as a source of drinking water supply, absorb flood water, and provide habitat for a wide range of aquatic species, including many endangered species.

On September 17, the Environmental Protection Agency (EPA) announced that it has sent a proposed rule to the White House, initiating a process that will involve taking public comment on the proposal and culminate in regulations that clearly state which specific kinds of waterways must be protected. EPA also opened an opportunity for the public to evaluate and comment on a report summarizing the peer-reviewed scientific literature that addresses the degree to which waters have physical, chemical, or biological linkages to other, generally larger, waters. And the agency asked its Science Advisory Board (SAB) to provide an independent peer review of the relevant science as well.

Notwithstanding this inclusive, public, and science-focused approach, leaders of the U.S. House of Representatives' Committee on Science, Space, and Technology recently demanded that you submit the text of the proposed rule, in addition to the scientific evidence, to the SAB. Critically, the Congressmen also insisted that EPA refrain from releasing the proposed rule for public comment until the SAB finishes the review of the rule they demanded. We urge you to reject this unfounded request to delay the rulemaking process.

We applaud the agency for gathering scientific evidence about the connectivity of headwaters and wetlands to other waters in its report and for subjecting it to review by the public and independent scientists. We also are delighted that EPA and the Army Corps of Engineers are finally taking the necessary steps to ultimately revise the regulations identifying the waters that the Clean Water Act protects -- regulations that have long been requested by Members of Congress, Justices of the Supreme Court, conservation groups, industry associations, and more.

Many waterways have been in legal limbo for more than a decade because of uncertainty surrounding what the rules cover and the rulemaking process has already been protracted.

Whether or not EPA sends the SAB its proposed rule, the rulemaking process should move forward. There is no legal or practical reason the SAB review and the public comment period cannot move forward in tandem. The rulemaking on this issue has already been delayed for years. Delaying it further by waiting for the SAB review will not improve the scientific input -- which will be available before the rule is final, regardless -- but it will further slow decision-making.

Thank you for your consideration of our views.

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